

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SCCT-01 SY-05 IO-11 DHA-02

USSS-00 SAJ-01 ACDA-05 CIAE-00 DODE-00 PM-04 H-02

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FM USMISSION USBERLIN

TO SECSTATE WASHDC PRIRTY 1968

AMEMBASSY BONN PRIORITY

INFO AMEMBASSY BERLIN UNN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L USBERLIN 0262

E.O.11652: GDS

TAGS: PGOV, PFOR, PINS, WB, GW, UR

SUBJECT: SOVIET STATEMENT ON POSSIBLE FEDERAL

PROSECUTION OF LORENZ KIDNAPPERS

REF: A) USBERLIN 252, B) BONN 2056, C) USBERLIN 214

1. SUMMARY:REFERRING TO RECENT PRESS REPORTS ON
SUBJECT: SOVIET EMBASSY NOTIFIED ALLIES AT POLAD LEVEL
FEBRUAYR 12 THAT IT WOULD CONSIDER FEDERAL GERMAN
PROSECUTION OF SUSPECTS IN LORENZ ABDUCTION AND VON
DRENKMANN ASSASSINATION CASES AS " GROSS CONTRADICTION"
TO PROVISION OFQA PROSCRIBING EXERCISE OF FRG STATE
AUTHORITY IN WESTERN SECTORS OF BERLIN. ALLIES WERE
ACCORDINGLY REQUESTED TO ENSURE THAT FRG PROSECUTOR'S
OFFICE DID NOTPARTICIAPE IN FORTHCOMINGTRIAL.
CHAIRMAN POLAD(U.S.) RESPONDED THAT PRESS ACCOUNTS ON
SUBJECT AMOUNTED TO NO MORE THAN SPECULATON, AND THAT
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NO DECISON HAD IN FACT BEEN TAKEN YET. HE NOTED,

HOWEVER, THAT EVENTUAL PROSECTUIN OF CASES WOULD BE IN ACCORD WITH LAWS IN EFFECT IN WESTERN SECTORS AND IN CONFORMITY WITH RESERVED ALLIED RIGHTS AND RESPONSIBILITIES. MISSION RECOMMENS THAT FOR TIME BEING NO RESPONSE BE MADE TO SOVIET STATEMENT. END SUMMARY.

2. ACTING SOVIET EMBASSY COUNSELLOR TRENDELEV CALLED ON CHAIRMAN POLAD(U.S.) FEBRUAYR 12 TO DELIVER FOLLOWING ORAL STATEMENT (COPY LEFT).

BEGIN TEXT: ACCORDING TO WEST GERMAN PRESS REPORTS, THE FRG AUTHORITIS ARE EXAMINING THEQUESTION OF THE PARTICIPATION IN HIS OFFICIAL CAPACITY OF THEFRG PROSECUTRO GENERAL IN THE INVESTIAGATION OF THE MATTER OF THE KIDNAPPING OF THE CHAIRMAN OF THE WEST BERLIN CUD LORENZ AND THE ASSASSINATION OF THE CHAIRMAN OFTHE WEST BERLIN HIGH COURT DRENKAMNN WHICH IS BEFORE THE HIGH CURT OF THE WESTERN SECTORS OF BERLIN (KAMMERGERICHT).

THE SOVIT SIDE CONSIDERS IT NECESSARY TO DECLARE THAT THE PARTICIAPTION OF THE FRG FEEDERAL PROSECUTOR OR OF ANY OTHER REPRESENTATIVE OF THEFEDERAL PROSECOTOR'S OFFICE IN THE ABOVE-MENTIONED COURT PROCEEDING IN THE COURT OF THE WESTERN SECTORS OF BERLIN WOULD BE A GROSS CONTRADICTION OF THEFOUR-POWER AGREEMENT OF SEPTEMBER 3, 1971, IN PARTICULAR WITH ITS PROVISIONS THAT THE STATE ORGAINIZATIONS OF THEFRG DO NOT HAVE THE RIGHT TO CARRY OUT IN THE WESTERN SECTORS CONSTITUTIONAL OR OFFICIAL ACTS IN TH EXERCISE OF DIRECT STATE AUTHORITY OVE THE WESTERN SECTORS OF BERLIN (ANNEX2, PARAGRAPH2).

THE SOVIET SIDE EXPECTS THATTHE AUTHORITIES OF THE THREE POWERS WILL, IN ACCORDANCE WITH THEIR OBLIGATIONS UNDER THE FOUR-POWER AGREEMENT, TAKE THE APPROPRIATE MEASURE TO PREVENT THE INVOLVEMENT OF THE FRG FEDRAL PROSECUTOR IN THE ABOVE-MENTIONED COURT PROCEEDING. END TEXTM.

3. POLAD SAID THAT HE WOULD TAKE THIS STATEMENT FOR INFORMATION. HE NOTD THAT THUS FAR THERE HAD BEEN CONFIDENTIAL

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ONLY NEWSPAPERS REPORTS ON SUBJECT OF POSSIBLE FEDERAL PROSECTUION OF SUSPECTS IN LORENZ AND VON DRENKMANN CASES, WHICH AMOUNTED TO NO MOE THAN SPECULATION. NO DECISION HAD IN FACT YET BEEN REACHED. POLAD TOLD TRENDELEV, HOWEVER, THATSOVIETS COULD BEASSURED THAT EVENTUAL PROSECUTION OF CASES WOULD BE IN ACCORDANCE WITH LAWS IN EFFECT IN WESTERN SECTORS AND IN CONFORMITY WITH RESREVED ALLIED RIGHTS AND RESPONSIBILITES.

4. BY WAY OF REJOINDER TRANDELEV DREW ATTENTION ONCE AGAIN TO PROVISION OF QA CONERNING EXERCISE OF FRG STATE AUTHORITY IN WESTERN SECTORS, EMPHASIZING THAT SOVIETS CONSIDRED ACTIVITIES OF FEDERAL PROSECUTOR AS FALLINGWITHIN SCOPE OF THESE PROVISIONS.

5. COMMENT: POLAD DID NOT PROMISE TRENDELEV ANY FORMAL RESPONSE. IN CIRCUMSTANCES, OUR INCLINATION WOULD BE TO REST WITH COMMENTS POLAD MADE, AT LAST UNTIL SUCH TIME AS SOVIETS RETURN TO QUESTION IF AND WHEN DECISION IN FAVOR OF FEDERAL PROSECTUION IS TAKEN AND MADE PUBLIC.GEORGE

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